IN THE HIGH COURT OF JUDICATURE AT BOMBAY

T. & I. J.

NOTICE OF MOTION NO.178 OF 2005
IN
PETITION NO.22 OF 2002

Rekha Girish Khambolja ..Petitioner

Vs.

Shantaben R.Khambolja & Anr. ..Respondents

Mr.Sanjay Jain i/b S.K.Srivastava and Co. for the petitioner to oppose

Mr.V.S.Kapse i/b A.J.Kenjale in support of Notice of Motion

CORAM : S.U.KAMDAR, J
DATED : 26TH APRIL, 2006

P.C.:

1. By consent of the parties, following order is passed without prejudice to the rights and contentions of the parties in pending suit and in all other pending proceedings in different courts.

2. The learned counsel for the respondent nos.1 states that they will pay a sum of Rs.9000 per month w.e.f. 1.5.06 and the same will be paid on 10th of every month by cheque to the advocate of the petitioner. The said amount will continue to be paid every month till further orders are passed

in the present proceedings.

3. In so far as arrears are concerned between 16.8.05 to 31.4.06, the respondent nos.1 will pay a sum of Rs.50000 within a period of 8 weeks from today. The said payment will be made to the advocate of the petitioner herein. It is also agreed by the parties that the deposit of rent made in the pending rent control suit in Small Causes Court at Bombay will be permitted to be withdrawn by the petitioner without prejudice to the rights and contentions of the parties.

4. In view of the aforesaid consent order arrived at, order dt.16.8.05 is modified. Court Receiver is directed to take charge of the property only if there are two defaults in payment of the instalments agreed to be paid as hereinabove. However, interim injunction restraining respondent no.1 from alienating, encumbering or creating third party rights or parting with possession will continue in respect of the said property. It is clarified that this will not effect the right of the respondent no.1 to carry out business in normal

course of business. Motion disposed of accordingly. No order as to costs.